

(1271)
(121)
(72)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.974/89

Date of Order: 20.12.93

BETWEEN:

G.Veeraiah

Petitioner/applicant

AND

1. Union of India, Min. of Defence, New Delhi.
2. Director General, R&D Dept., of R&D, Min. of Defence, New Delhi.
3. Director, DRDL, Hyderabad.
4. Shri G.Natarajan
5. Shri RK.Gupta, Accounts Officer, Room No.68, H.Block, DTD & P (Air), Sena Bhavan, DHQ PO, NEW DELHI-110 001.

Respondents/Respondents
~~Proposed 5th Respondent~~

[Respondents no. 4 and 5 are impleaded as per order of the Tribunal dated 16.11.93 in MA-123/92]

Counsel for the Applicant

.. Mr.Koka Satyanarayana Rao

Counsel for the Respondents

.. Mr.N.V.Ramana.

FORAM:

HON'BLE Mr.V.NEELADRI RAO : VICE CHAIRMAN

HON'BLE Mr.R.RANGARAJAN : MEMBER (ADMN.)

OA 974/89

Judgement dated 27-12-93.

[AS PER JUSTICE SHRI V. NEELADRI RAO, VICE-CHAIRMAN]

Heard Shri Koka Satyanarayana, learned counsel for the applicant and also Shri N.V. Ramana, learned standing counsel for the respondents.

2. This OA was filed praying for holding the proceedings of the 2nd respondent in No. 10698/RD/Pers-6 dated 17-5-88 as illegal, arbitrary and to direct the respondents to restore the seniority of the applicant as issued in proceedings No. 10698/RD/pers-6 dated 29.4.1987. The applicant, Respondent; 4, & Respondent 5 herein (R4 & R5 are impleaded as parties as per MA No. 1213/92) are working as Accountants in the various establishments of DRDO. In 1985 the applicant, Respondent; 4 & 5 were promoted to the category of Accountant on 6-4-85, 28-6-85 and 25-11-85 respectively and the said seniority was referred to in the proceedings dated 29-4-87. But the seniority as amongst the 3 in the category of Accountant was altered as per proceedings dated 17-5-88 whereby the applicant was shown as junior to Respondent; 4 & 5. As such, this OA was filed praying for quashing the seniority list as per the proceedings dated 17-5-88 and for the restoration of the seniority of the applicant as per the proceedings dated 27-4-87.

3. The avenue of promotion to the post of Accountant in DRDO is from the category of UDC/ Cashier, Asst./ Cashier with 7 years of experience.

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Page

128 103 74

4. Column. 10 of the schedule to the DRDO and Directorate of Technical Development and Production (AIR organisations) and Ministry of Defence (Accountant Recruitment Rules 1978) stipulates that the promotion to the post of Accountant to the extent of 75 per cent is by limited departmental examination and the remaining 25 per cent is by transfer on deputation. It also states that if sufficient number of candidates are not available by way of promotion by limited departmental examination, the recruitment to the post of Accountant is made by transfer on deputation. (vide annexure 1 Recruitment Rules, 1978). Column. 5 ~~thereof~~ that said schedule lays down that the recruitment to the post of Accountant is by selection.

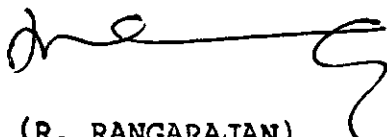
5. In the limited departmental examination that is ~~was~~ conducted for promotion to the post of Accountant, from the eligible candidates, Respondent 4 & 5 herein got more marks than the marks obtained by the applicant herein. ~~(The said record was produced and it was returned after perusal)~~ As such, in the revised seniority list dated 17-5-88, Respondent 4 & Respondent 5 were shown as seniors to the applicant even though in the category of UDC, the applicant was senior to Respondent 4 & 5 herein.

6. There was no subsequent amendment in regard to the columns. 5 and 10 of schedule in regard to the post of Accountant as per 1978 Recruitment rules. By proceedings dated 18-7-1980, the rules for the examination for promotion to the grade of Accountant in DRDO were formulated. There is no need to advert to the same for disposal of this OA. It is sufficient to observe that there was no amendment in regard to column. 5 & 10 with reference to the post of Accountant as per 1978 recruitment rules by the time the applicant,

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75

and Respondents 4 & 5 were promoted to the category of Accountant.

7. When the promotion to the post of Accountant is on the basis of the performance at the limited departmental examination, the rankings that have to be given can only be on the basis of the marks obtained in the said examination, and it can ^{not} be on the basis of the seniority in the lower grade. Such seniority in the lower category will have a bearing in fixing the seniority in the promotion post if the promotion is on the basis of mere qualifying test and seniority and suitability. As such, the contention of the applicant that the seniority in the category of UDC should reflect after the promotion in the category of Accountant is not tenable for it is a case of promotion on the basis of the performance in the limited departmental examination. Thus there are no grounds to interfere with the seniority list as per proceedings dated 17-5-88.// In the result, the OA is dismissed with No costs.


(R. RANGARAJAN)
Member (A)


(V. NEELADRI RAO)
Vice-Chairman

(Open court judgement)

NS

Dy. Registrar (Judl.) 

Copy to:-

1. Secretary, Ministry of Defence, Union of India, New Delhi.
2. Director General, R&D Dept., of R&D Ministry of Defence, New Delhi.
3. Director, DRDL, Hyderabad.
4. One copy to Sri. Koka Satyanarayana Rao, advocate, 3-6-498, Himayatnagar, Hyd.
5. One copy to Sri. N.V. Ramana, Addl. CGSC, CAT, Hyd.
6. One copy to Library, CAT, Hyd.
7. One spare copy.

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Ind. Cont.
21/12/83.

O.A-974/89

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD

THE HON'BLE MR. JUSTICE V. NEELADRI RAO
VICE-CHAIRMAN

AND

THE HON'BLE MR. A. B. GORTHY : MEMBER(A)

AND

THE HON'BLE MR. T. GHANDRASEKHAR REDDY
MEMBER(J)

AND

THE HON'BLE MR. R. RANGARAJAN : MEMBER(A)

Dated: 22/10/1993

ORDER/JUDGMENT:

M.A/R.A/C.A.No.

O.A.No.

in

974/89

T.A.No.

(W.P.)

Admitted and Interim directions
issued.

Allowed.

Disposed of with directions.

Dismissed.

Dismissed as withdrawn.

Dismissed for default.

Rejected/Ordered.

No order as to costs.

